

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**

Docket No.
97-1681-P

Application of **Shaw, et al.**

Serial No.
09/652,513

Filing Date
August 31, 2000

Examiner
Hendrickson

Group/Art Unit
1754

Invention: **NANOSTRUCTURED CARBIDE CERMET POWDERS BY HIGH ENERGY BALL MILLING**

Owner of Record: **The University of Connecticut**

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The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,214,309. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Dated: June 28, 2002

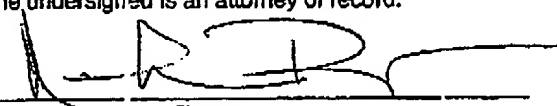
Signature


Leah M. Reimer

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
☒ PTO suggested wording for terminal disclaimer was unchanged.
☒ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

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Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent			Docket No. 97-1681-P
In R. Application Of Shaw, et al.			
Serial No. 09/652,513	Filing Date August 31, 2000	Examiner Hendrickson	Group Art Unit 1754
Invention: NANOS TRUCTURED CARBIDE CERMET POWDERS BY HIGH ENERGY BALL MILLING			
Owner of Record: The University of Connecticut			
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>			
<p>The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,214,309. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"><div style="text-align: center;"> _____ <i>Signature</i> Leah M. Reimer _____ <i>Typed or Printed Name</i></div><div style="text-align: right;">Dated: June 28, 2002</div></div> <div style="text-align: right; margin-top: 20px;">OFFICIAL FAX RECEIVED JAN 17 2003 GROUP 1700</div> <div style="margin-top: 10px;"><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</div>			

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): SHAW ET AL.			Docket No. 97-1681-P
Serial No. 09/652,513	Filing Date August 31, 2000	Examiner Hendrickson	Group Art Unit 1754
Invention: NANOSTRUCTURED CARBIDE CERMET POWDERS BY HIGH ENERGY BALL MILLING			
<p>I hereby certify that this <u>RCE (1 page); Response after Final (4 pages); Terminal Disclaimer (1 page)</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9311</u>)</p> <p>on <u>January 16, 2003</u> (Date)</p> <p><u>Barbara Davidson</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u></u> (Signature)</p>			
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